

## Message Text

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45

ACTION EUR-12

INFO OCT-01 ISO-00 EURE-00 SSO-00 NSCE-00 INRE-00 USIE-00

CIAE-00 DODE-00 PM-04 H-02 INR-07 L-03 NSAE-00 NSC-05

PA-01 PRS-01 SP-02 SS-15 IO-10 ACDA-05 SAJ-01 SAM-01

EB-07 /077 W

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O R 221700Z DEC 75

FM USMISSION USBERLIN

TO AMEMBASSY BONN IMMEDIATE

INFO SECSTATE WASHDC IMMEDIATE 1813

AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY PARIS

AMEMBASSY BERLIN

USMISSION NATO

C O N F I D E N T I A L USBERLIN 2615

E O 11652: GDS

TAGS: PGOV, PFOR, WB, GE, GW

SUBJ: DRAFT BK/O AND BK/L ON REICHSBAHN ASPECT  
OF INNER-GERMAN AGREEMENT

REF: USBERLIN 2601

1. SUMMARY: ALLIED MISSION ARE PRESENTLY CONSIDERING  
ISSUANCE OF BK/O AND BK/L SIMILAR TO THOSE OUTLINED  
REFTEL DESIGNED TO PROTECT ALLIED POSITION ON REICHS-  
BAHN STATUS IN CONNECTION WITH ESTABLISHMENT OF NEW  
STAACKEN CROSSING POINT AND TRAIN STOPS AT SPANDAU,  
CHARLOTTENBURG AND WANNSEE STATIONS. FRENCH, WHO  
DRAFTED DOCUMENTS AND ARE IN AK CHAIR THIS MONTH,  
HAVE GENERAL INSTRUCTIONS FROM BONN AND HOPE TO BE IN  
POSITION TO ISSUE TEXTS EARLY THIS WEEK. END SUMMARY.

2. FOLLOWING IS TEXT OF DRAFT BK/O, IN OUR UN-  
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OFFICIAL TRANSLATION FROM FRENCH: BEGIN TEXT:

TITLE: MODIFICATIONS OF REICHSBAHN INSTALLATIONS AND TRAFFIC IN THE WESTERN SECTORS OF BERLIN.

1) THE ALLIED KOMMANDATURA HAS TAKEN NOTE OF ENVISAGED MODIFICATIONS WHICH CONCERN THE INSTALLATIONS AND TRAFFIC OF THE DEUTSCHE REICHSBAHN IN THE WESTERN SECTORS OF BERLIN.

2) THE ALLIED KOMMANDATURA AUTHORIZES IN PRINCIPLE THE APPLICATION IN BERLIN OF THESE REFERENCED TECHNICAL MEASURES BY THE REICHSBAHN.

3) IT RECALLS, HOWEVER, THAT THE SPECIAL JURIDICAL STATUS OF THE RAILWAYS AND OF RAIL TRAFFIC IN THE WESTERN SECTORS MAY NOT BE AFFECTED BY SUCH MEASURES WHICH ARE SUBORDINATED TO ALLIED RIGHTS AND LEGISLATION.

4) IT ORDERS IN CONSEQUENCE AS FOLLOWS:

A) ALL PLANS AND CONTRACTS RELATIVE TO THESE MEASURES ARE TO BE SUBMITTED BY THE DEUTSCHE REICHSBAHN TO THE COMPETENT ALLIED SECTOR AUTHORITIES FOR PRIOR APPROVAL.

B) THE NECESSARY WORK IS TO BE PERFORMED IN CONFORMITY WITH THE LEGISLATION AND REGULATIONS IN FORCE IN THE WESTERN SECTORS.

C) ALLIED AUTHORITIES AND GERMAN AUTHORITIES AUTHORIZED BY THEM WILL EXERCISE ALL MEASURES OF CONTROL AND INSPECTION THAT ARE DEEMED NECESSARY. THE PRESENT ORDER WILL BE TRANSMITTED TO THE GOVERNING MAYOR OF BERLIN FOR ALL ACTION NECESSARY TO ITS APPLICATION INCLUDING PUBLICATION IN CONFORMITY WITH BK/O(64)4. END TEXT.

3. FOLLOWING IS TEXT OF DRAFT BK/L, IN UN-

OFFICIAL TRANSLATION FROM FRENCH: BEGIN TEXT:

SUBJECT: MODIFICATIONS OF REICHSBAHN INSTALLATIONS AND TRAFFIC IN THE WESTERN SECTORS OF BERLIN

DEAR MR. GOVERNING MAJOR:

THE SENAT SUBMITTED TO THE ALLIED KOMMANDATURA, IN CONFORMITY WITH BK/L(73)46 AND BY VERMERK NO. II-211/75 DATED DECEMBER 19, 1975, A COLLECTION OF DOCUMENTS RELATING TO THE NEGOTIATIONS BETWEEN THE GOVERNMENTS OF THE FEDERAL REPUBLIC OF GERMANY AND OF THE GERMAN DEMOCRATIC REPUBLIC AND WHICH CONCERN THE WESTERN CONFIDENTIAL

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SECTORS OF BERLIN.

THE ALLIED KOMMANDATURA HAS TAKEN NOTE OF THE DOCUMENTS ENVISAGING MODIFICATION OF REICHSBAHN INSTALLATIONS AND TRAFFIC AND OF THE REFERENCE MADE TO ARTICLE 3 OF THE AGREEMENT ON TRANSIT TRAFFIC BETWEEN THE FEDERAL REPUBLIC AND BERLIN (WEST), AN AGREEMENT IN FORCE IN THE WESTERN SECTORS OF BERLIN IN CONFORMITY WITH THE

LETTER OF THE THREE AMBASSADORS TO THE FEDERAL  
CHANCELLOR OF SEPTEMBER 3, 1971 AND WITH BK/L(71)3  
BY WHICH THE SENAT WAS AUTHORIZED TO PARTICIPATE IN  
ITS APPLICATION.  
BY BK/O(75) BLANK OF THIS DAY, THE ALLIED KOMMANDATURA  
HAS GIVEN ITS AUTHORIZATION IN PRINCIPLE TO THE  
APPLICATION OF THESE MEASURES IN BERLIN AND HAS FIXED  
A CERTAIN NUMBER OF OBLIGATORY POINTS THAT MUST BE OBSERVED  
TAKING ACCOUNT OF THE SPECIAL JURIDICAL STATUS  
OF THE RAILWAYS AND RAIL TRAFFIC IN THIS CITY RE-  
SULTING FROM SHAEF LAW NO. 52 AND SUBSEQUENT ORDERS  
OF THE ALLIED KOMMANDATURA INCLUDING BK/O(49)217.  
THE ALLIED KOMMANDATURA REQUESTS THE SENAT TO ENSURE  
THAT THE REICHSBAHN AUTHORITIES HAVE GOOD AND PROPER  
KNOWLEDGE OF THESE OBLIGATORY POINTS.  
THE SENAT IS LIKEWISE TO ADVISE THE ALLIED AUTHORITIES  
OF ANY ACTIONS CONTRARY TO THESE OBLIGATORY POINTS  
ON THE PART OF REICHSBAHN FUNCTIONARIES OR OF EAST GERMAN  
ORGANS, NOTABLY THE BUILDING CONSTRUCTION SUPERVISION  
OFFICE OF THE MINISTRY OF TRANSPORT. END TEXT.

4. COMMENT: FRENCH HAVE SAID THAT IF DOCUMENTS CAN  
BE ISSUED BEFORE CHRISTMAS THEY WOULD WISH TO DATE  
THEM DECEMBER 19, SAME DAY AS FRG-GDR AGREEMENT WAS  
CONCLUDED. TEXTS FOLLOW CLOSELY IDEAS SKETCHED IN  
REFTEL AND WOULD, WE BELIEVE, ACCOMPLISH BASIC ALLIED  
OBJECTIVES. BRITISH MISSION HAS NOT YET PROVIDED  
REACTION TO DRAFTS, BUT WE DOUBT IT WILL HAVE MAJOR  
DIFFICULTIES. EMBASSY VIEWS WOULD BE APPRECIATED. GEORGE

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## Message Attributes

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**Concepts:** AGREEMENT DRAFT, BERLIN QUADRIpartite MATTERS, NEGOTIATIONS, BERLIN ACCESS CONTINGENCY PLANNING, BERLIN HIGHWAY ACCESS  
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**Disposition Case Number:** n/a  
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**Disposition Date:** 28 MAY 2004  
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**TAGS:** PGOV, PFOR, WB, GC, GE  
**To:** BONN  
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